

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. ~~04-30613-MAP~~

0410030163

JULIO TOLEDO, ET AL

Plaintiffs

v.

IBPO LOCAL 364

Defendant

ANSWER OF THE DEFENDANT IBPO LOCAL 364 TO THE PLAINTIFFS' COMPLAINT

1. The Defendant answering herein admits the allegations in the Plaintiffs' Complaint numbered 8., 9., 11., 13., 19., 31. and 32.
2. The Defendant answering herein denies the allegations in the Plaintiffs' Complaint numbered 1., 2., 3., 4., 5., 6., 7., 10., 12., 14., 15., 16., 17., 18., 20., 21., 22., 24., 25., 27., 28., 29., 30., 33., 36., 37., 48., 49., 52. and 53.
3. The Defendant answering herein lacks knowledge sufficient to admit or deny allegations in the Plaintiffs' Complaint numbered 23., 34. and 35.
4. The Defendant answering herein refers to its previous responses in response to allegations in the Plaintiffs' Complaint numbered 26. and 47.
5. The Defendant answering herein asserts that there are no facts alleged requiring a response in allegations in the Plaintiffs' Complaint numbered 38., 39., 40., 41., 42., 43., 44., 45., 46., 50. and 51.

AFFIRMATIVE DEFENSES.

First Affirmative Defense

The Plaintiffs have failed to state a claim upon which relief can be granted.

Second Affirmative Defense

This Honorable Court lacks jurisdiction over the subject matter of this claim.

Third Affirmative Defense

This Honorable Court is not the proper venue for this claim.


Fourth Affirmative Defense

The Plaintiffs have failed to name a party needed for a just adjudication as required by Rule 19(a), Fed. R. Civ. P.

Fifth Affirmative Defense

The Plaintiffs have failed to initiate their claim of discrimination with the appropriate administrative agency.

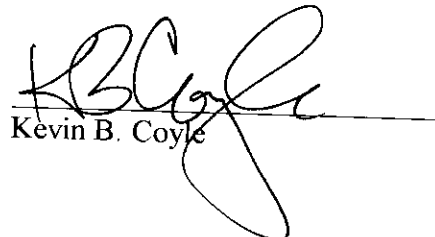
FOR THE DEFENDANT IBPO LOCAL 364



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I certify that a true copy of this document was served by first class mail on counsel for the Plaintiffs and the City of Springfield.

October 6, 2004


Kevin B. Coyle